

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Kecia Hatcher

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

New York City Department of Education; Dr.
Richard Forman, Principal of Clara Barton High
School; Deborah R. Koswener-Bochbot, Supervisor
of Speech Improvement for District 17

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. 23-cv-3510
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

**Morrison, J.
Bloom, M.J.**

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kecia Hatcher
Street Address	36 Cathedral Avenue, Apt. 2F
City and County	Hempstead, Nassau County
State and Zip Code	NY 11550
Telephone Number	(516) 967-0289
E-mail Address	oneloveumoj@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	New York City Department of Education
Job or Title (if known)	c/o Corporation Counsel of the City of New York
Street Address	100 Church Street
City and County	New York, New York County
State and Zip Code	NY 10007
Telephone Number	
E-mail Address (if known)	

Defendant No. 2

Name	Dr. Richard Forman
Job or Title (if known)	Principal, Clara Barton High School
Street Address	901 Classon Avenue
City and County	Brooklyn, Kings County

KECIA HATCHER- FEDERAL COMPLAINT - ADDITIONAL DEFENDANTS

B. Defendant Information

Defendant No. 3

Name Deborah R. Koswener-Bochbot

Job or Title Supervisor of Speech Improvement for District 17

Street Address 52 Chamber Street, Room 314

City and County New York, New York County

State and Zip Code NY 10007

Telephone Number 917 208-7349

E-mail Address dbochbot@schools.nyc.gov

State and Zip Code	NY 11225
Telephone Number	
E-mail Address	
(if known)	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name	Clara Barton High School
Street Address	901 Classon Avenue
City and County	Brooklyn, Kings County
State and Zip Code	NY 11225
Telephone Number	

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

C. I believe that defendant(s) (*check one*):

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (*check all that apply and explain*):

- ☒ race Black/ Afrocentric dress
- ☒ color Black
- ☒ gender/sex Female
- ☐ religion _____
- ☐ national origin _____
- ☐ age. My year of birth is _____. *(Give your year of birth only if you are asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)*

E. The facts of my case are as follows. Attach additional pages if needed.

Please see attached.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

ADDENDUM TO KECIA HATCHER FEDERAL COMPLAINT @ 5/8/23

1. I began my employment with the New York City Department of Education ("DOE") as a teacher of speech and hearing handicapped in October of 1996 at PS 316 within District 17 in Brooklyn, New York.
2. I am 59 years old, with a date of birth of April 26, 1964. I am black African American and female.
3. From 1996 until June 2005, I remained employed as a teacher of speech and hearing handicapped at PS 316.
4. I was then transferred by my supervisor to Clara Barton High School, K600, in Brooklyn, New York.
5. I have remained at Clara Barton High School as a teacher of speech and hearing handicapped since my transfer in September 2005.
6. In or around 2007, Dr. Richard Forman took over as Principal of Clara Barton.
7. In or around 2011, Deborah Koswener-Bochbot became the supervisor of speech improvement for District 17 and Brooklyn suspension sites and my direct supervisor.
8. For over ten years, I have experienced hostile treatment by a white male teacher at the school, Evan Malachowsky. Mr. Malachowsky frequently talks down to and gossips about women at the school. He actively seeks to ostracize me from the staff by excluding me from field trips and other school-related events; he would also seek to undermine my authority as a therapist with parents and students by telling them they should ignore me and avoid me. I frequently heard from other teachers how Mr. Malachowsky would make fun of the way I dressed. As an African-American woman who is proud of her heritage and spiritual journey, I typically adorn myself with Afrocentric jewelry, fabrics, and geles (headwraps) while wearing traditional all white attire. Mr. Malachowsky also would on occasion speak unprofessionally towards me, such as yelling and screaming.
9. After years of mistreatment by Mr. Malachowsky, an incident occurred on December 4, 2019, when I was providing services to one of Mr. Malachowsky's students. After completing my services with the student, neither Mr. Malachowsky nor the paraprofessional arrived to pick up the student. The student's Individualized Education Plan ("IEP") mandated that the student be escorted from my office back to his class. Seeing neither the paraprofessional nor Mr. Malachowsky, I contacted Ms. Chrichton, the paraprofessional supervisor. Eventually, the paraprofessional showed up to pick up the student. Later that day, after he learned that I had called Ms. Chrichton, Mr. Malachowsky called me to scream at me and berate me in front of students. He stated that as the classroom teacher, he had the authority to negate the IEP and permit the student to return on his own. I was shocked by Mr. Malachowsky's aggressive behavior towards me.
10. Following this incident, on or about December 5, 2019, I filed a complaint of racial discrimination against Mr. Malachowsky with the DOE's Office of Equal Opportunity office.
11. By letter dated May 20, 2020, the DOE informed me that the OEO complaint was not substantiated.
12. On or around June 24, 2020, during a round-table discussion at the high school centered around police brutality, I made a comment that people of color within our school feel there are two different systems of justice, and often times people of color do not feel that justice

☐ Other federal law (*specify the federal law*):

☒ Relevant state law (*specify, if known*):
New York State Human Rights Law (NYSHRL)

☒ Relevant city or county law (*specify, if known*):
New York City Human Rights Law (NYCHRL)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (*specify*): U-rating

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)
Please see attached.

is served. In response, Principal Forman seemingly took issue with my comment, stating that I had the opportunity to file an OEO complaint, even though my previous complaint with OEO had been dismissed. He emphasized how my OEO complaint was dismissed in front of the entire round-table of about 15 or more colleagues. I was shocked that Principal Forman would make such a comment in response to my concerns about equality and justice. I had not yet received notice of the OEO outcome and was disappointed to learn of the dismissal, and shocked that Forman would share my personal business with colleagues first without my permission.

13. Following this discussion, on June 25, 2020, I emailed Principal Forman privately to express my shock that he would blurt out the specifics of my complaint about another co-worker to all of my colleagues. I then stated that I felt this was a form of subtle racism and questioned why he felt comfortable targeting me as a black woman, yet routinely stood up for Mr. Malachowsky, who was a white man like him. Even while he violated my privacy by advising everyone at the roundtable that I filed an OEO complaint, he never violated Mr. Malachowsky's privacy by saying my complaint was against him.
14. In response, Principal Forman appeared apologetic in his email. Following this email, Principal Forman's behavior towards me changed. He would avoid me at the school and rarely ever engage me directly.
15. In September 2020, Mr. Malachowsky received a letter to file following my OEO complaint against him.
16. On or about December 18, 2020, another incident occurred with Mr. Malachowsky. Specifically, he made false accusations to a colleague of mine that I had threatened a parent. After I contacted Principal Forman to inquire about the matter, he informed me that there was no complaint by a parent. I then requested that Principal Forman intervene between Mr. Malachowsky and me, as Mr. Malachowsky was spreading salacious rumors about me. Mr. Malachowsky refused to participate in any sort of intervention, and no further action was taken. I was embarrassed by the rumors spread by Mr. Malachowsky, especially when my colleagues questioned me about the false allegations.
17. Subsequently, I filed another OEO complaint on or about January 28, 2021, about Mr. Malachowsky because I felt he was harassing me and retaliating against me for my former OEO complaint against him. This OEO complaint was dismissed on or about April 5, 2021, because OEO stated it did not have jurisdiction to investigate the matter further. OEO stated that it referred the complaint to Principal Forman to investigate and take whatever action he deemed fit and necessary against Mr. Malachowsky. However, Principal Forman took no action against Mr. Malachowsky. Once again, Principal Forman seemed to give preferential treatment to a white man over me.
18. In September 2021, I applied for a religious exemption, which was ultimately denied.
19. Due to the COVID-19 vaccine mandate, I was forced to take the vaccine in October 2021.
20. After taking the vaccine in October 2021, I suffered adverse reactions to the vaccine.
21. On or about May 27, 2022, Principal Forman informed me of a regularly scheduled attendance meeting with him. These meetings routinely occurred at the end of every school year. During this meeting, Principal Forman accused me of missing many days and that, as a result, students were missing services. In response, I provided him with the

doctor's notes for every day I had missed except a few that were self-treated; it had been a difficult year for me because I developed severe reactions to the COVID-19 vaccine.

22. Following this meeting, on June 1, 2022, I met with Deborah Koswener-Bochbot, Supervisor of Speech Improvement, as well as Principal Forman. The purpose of this meeting was to review my 2021-22 student caseload, yet it soon became too clear to me that it was disciplinary in nature, as they once again raised concerns with my time and attendance.
23. Following this meeting, on June 17, 2022, I received a letter from Principal Forman and Ms. Koswener-Bochbot, dated June 6, 2022. In this letter, there were numerous false accusations in that June 17, 2022 letter, such as that I had 618 cancelled therapy sessions with students (which is not true) and that I experienced a pattern of absences related to vacations. As a result of this letter, on June 17, 2022, I received my first ever "Unsatisfactory" ("U") annual rating in my career. During my U-rating appeal hearing, Mr. Forman presented misleading documentation to justify giving me a U-rating. Specifically, there were documents scheduling meetings in March to discuss my absences that were never actually provided to me. Additionally, there were false claims of absences on Mondays that were contradicted by the documents provided.
24. Notably, another colleague, Vera Leykina, had a similar number of absences as me, and received a similar letter to file as me. Yet, she did not receive a U-rating. Ms. Leykina is white.
25. Additionally, when Dr. Kamaria Blackett-Munir, PT, took maternity leave in 2015, her students did not receive services and were not scheduled for summer school. Similarly, when Ms. Stanislaus, OT, took maternity leave from October 2021-February 2022, her students did not receive services, and again no makeups were scheduled.
26. In summary, I believe that I received a U-rating from Principal Forman because of my prior complaints of race-based discrimination and because I am a black woman.
27. I filed a dual filed SDHR and EEOC complaint on or about August 31, 2022, and since then I have been subject to additional acts of retaliation.
28. Based on the discriminatory and unfair U-rating, I am ineligible to work summer school and lose pensionable income as a result of that.
29. I also was denied per session work opportunities in October 2022 after filing my SDHR/EEOC complaint by Deborah Koswener-Bochbot, supervisor of speech improvement for District 17, which has resulted in a loss of approximately \$10,000 in per session losses for prep periods. I had received income for these preps for more than 10 years before.
30. My per session work opportunities instead have been given to Kristen McMahon, a Caucasian Speech Therapist, during the current 2022-2023 school year. After submitting my formal request to work 5 prep periods weekly, Kristen McMahon was suddenly hired as a part-time therapist at Ms. Koswener-Bochbot's request. I was then forced to help create a caseload for Ms. McMahon, by turning over students from my caseload including all of my per session prep periods.
31. In December 2022 and January 2023, I also tried to apply for in-house per session activities during the regular workday but received no response after multiple calls.

32. This on-going denial of per session opportunities continues to have an adverse effect on my pensionable income.
33. Also, I am less than 2 years from retirement. The "U" rating could potentially limit DOE employment opportunities after retirement.
34. Mr. Malachowsky consistently gets preferential treatment. Mr. Malachowsky's class is on a 2-9 schedule (8:54 AM- 3:37 PM). He consistently ends the instructional time early and has the students out of the class and lined up for busing before 3 pm. I often see the students in the auditorium waiting for the bus as I leave for the day which is at 2:50 PM. Dr. Forman has permitted this to happen and Mr. Malachowsky has not received any discipline for robbing students of instructional time.
35. On March 13, 2023, I was then required to attend a meeting after school, designated for anyone that provided services to special education students, while Ms. McMahon was not.
36. Additionally, during the 2022-23 school year, I had to request the heat be turned on in my classroom on several occasions as my students and I were freezing. When other teachers request heat, it gets turned on. When I requested heat for my students they sent someone to check the temperature of the room and then sent me the DOE guidelines for heat. No other teachers were subjected to this type of scrutiny when requesting heat.
37. I did not have heat in my classroom from May 1-5, 2023.
38. I believe that I have been retaliated against and subjected to a hostile work environment after complaining about being harassed and discriminated against for my race. The harassment has resulted in me developing depression and anxiety.

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

8/31/2022

- B. The Equal Employment Opportunity Commission *(check one)*:

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on *(date)*
2/9/2023

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

- ☐ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Expunge the U-rating, compensation for lost per session and summer school, emotional distress damages and medical expenses. I also want compensation for legal fees and expenses.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 9, 2023.

Signature of Plaintiff

Printed Name of Plaintiff



Kecia Hatcher

CC: NYC Department of Education
Attn: Office of General Counsel
52 Chambers Street
Room 308
New York NY 10007

Timothy Riera
Acting District Director
02/08/2023
Digitally Signed By: Timothy Riera

On behalf of the Commission,

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.) If you file suit, based on this charge, please send a copy of your court complaint to this office.

NOTICE OF YOUR RIGHT TO SUE

The EEOC is closing this charge because: Charging Party wishes to pursue matter in Federal District Court

DISMISSAL OF CHARGE

TIMOTHY RIERA
Deputy Director
Timothy.Riera@eoc.gov

EEOC Representative and email:

Charge No: 16G-2022-04006

333 West 42nd Street
12th Floor
New York, NY 10018-3603

DISMISSAL AND NOTICE OF RIGHTS
(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 02/08/2023

New York District Office
33 West 42nd St, 12th Floor
New York, NY 10018
(212) 504-5270
Website: www.eeoc.gov

U.S. FEDERAL BUREAU OF INVESTIGATION



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Kecia Hatcher

Plaintiff(s)

v.

New York City Department of Education; Dr. Richard
Forman, Principal of Clara Barton High School;
Deborah R. Koswener-Bochbot, Supervisor of
Speech for District 17

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* New York City Department of Education,
c/o Corporation Counsel for the City of New York
100 Church Street
New York, NY 10007

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Kecia Hatcher
36 Cathedral Avenue, Apt. 2F
Hempstead, NY 11550

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

BRENN A. B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

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Additional information regarding attempted service, etc:

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UNITED STATES DISTRICT COURT

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Plaintiff(s)

v.

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Deborah R. Koswener-Bochbot, Supervisor of
Speech for District 17

Defendant(s)

Civil Action No. _____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Dr. Richard Forman, Principal, Clara Barton High School
901 Classon Avenue
Brooklyn, NY 11225

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Kecia Hatcher
36 Cathedral Avenue, Apt. 2F
Hempstead, NY 11550

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

BRENNA B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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